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ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. VERNELLE LYNN BADBEAR, Defendant.	CR 17-127-BLG-SPW OFFER OF PROOF
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The defendant, Vernelle Lynn Badbear, is charged by indictment with second degree murder, in violation of 18 U.S.C. §§ 11153(a) and 1111.

PLEA AGREEMENT

There is no plea agreement. Badbear will plead guilty to the indictment. Resolution of the case without a plea agreement is the most favorable resolution for Badbear. *See Missouri v. Frye*, 566 U.S. 134, 145-46 (2012).

ELEMENTS OF CHARGE

In order for Badbear to be found guilty of second-degree murder, as charged in indictment, the United States must prove each of the following elements beyond a reasonable doubt:

First, the defendant is an Indian Person;

Second, the crime occurred in Indian Country;

Third, the defendant unlawfully killed the victim; and

Fourth, the defendant killed the victim with malice aforethought.

To kill with malice aforethought means to kill either deliberately and intentionally or recklessly with extreme disregard for human life.

PENALTY

This offense carries a penalty of life imprisonment, a \$250,000 fine, five years of supervised release, and a \$100 special assessment.

ANTICIPATED EVIDENCE

If this case were tried in United States District Court, the United States would prove the following:

On November 12, 2016, a highway road painter discovered a body between the frontage road and the railroad tracks near Wyola, within the boundaries of the Crow Indian reservation, at mile marker 4 along Highway 451. The body had been at the location for quite some time because of the presence of maggots. Based upon tattoos on the body, BIA investigators identified the body. Because the investigators knew that the deceased had been in a relationship with Badbear, who lived nearby, they began their investigation with Badbear.

Badbear initially told investigators that she and the deceased had gotten into an argument, on November 4, 2016, that the deceased left the house, and that she had not seen him since. But, after continued questioning, Badbear admitted that she ran over the deceased.

Specifically, Badbear admitted that, on November 4, 2016, she got upset at the deceased because he was drinking alcohol when he was supposed to watch the children. The deceased left the house and start walking down the road. Badbear went to a nearby house, asked a relative to watch the kids, and then she drove after

the deceased in her minivan. Badbear admitted that she struck the deceased with the minivan and ran over the deceased.

An autopsy was performed. The cause of death was blunt force trauma consistent with having been hit and run over by a vehicle. The analysis of the maggots placed the time of death somewhere between November 4 and November 7, 2016. The pathologist determined that it would have taken some time for the deceased to die.

Badbear is an enrolled member of the Crow tribe, a federally recognized tribe. As an enrolled member of the Crow tribe, she has a degree of Crow Indian blood.

DATED this 1st day of October, 2018.

KURT G. ALME
United States Attorney

/s/ Lori Harper Suek
LORI HARPER SUEK
Assistant U.S. Attorney